

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KOOKMIN BANK CO., LTD., in its capacity as :
Trustee of KTB CRE DEBT FUND NO. 8, a :
Korean Investment Trust, by its agent in Korea :
DAOL FUND MANAGEMENT CO. and by its :
Agent in United States, REXMARK HOLDINGS : Case No. 1:22-cv-05802-GHW
LLC d/b/a REXMARK :
Plaintiff, :
-against- :
BEN ASHKENAZY, :
Defendant.

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DECLARATION OF Y. DAVID SCHARF

Y. DAVID SCHARF, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Member of Morrison Cohen LLP, attorneys for Kookmin Bank Co., Ltd., in its capacity as trustee of KTB CRE Debt Fund No. 8, a Korean Investment Trust, by its agent in Korea, Daol Fund Management Co., and by its agent in United States, Rexmark Holdings LLC d/b/a Rexmark (collectively “Lender”). I make this declaration in further support of Lender’s opposition to Defendant Ben Ashkenazy’s (“Ashkenazy”) Motion to Dismiss the Amended Complaint.

2. I am over 18 years of age and have personal knowledge of the facts set forth herein.

3. On September 29, 2022, I sent a letter to Ashkenazy’s counsel, David E. Ross of Kasowitz Benson Torres LLP, by email, asking whether Union Station Sole Member, LLC (“USSM”) would consent to judgment in the declaratory judgment action pending before this

Court regarding the validity of the foreclosure sale on the mezzanine loan. A true and correct copy of this email correspondence is attached hereto as Exhibit A.

4. I did not receive a response from Ashkenazy's counsel.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Executed this 12th day of December, 2022

By: /s/ Y. David Scharf
Y. DAVID SCHARF